1846.

th the consent of of equity, first had so mentioned and t, and the same to urchasers thereof, e purchase money

That the said Wild, shall report such county court as a eby directed, after xpenses to the said e of the residue of e to be distributed according to their first section of this rt in such cases. That the said trusecute a bond, with

Frederick county penal sum as said the true and faithsed in him.

all it was the ction of Mechanics il Counties, passed red and forty-two.

hree, so far as it

eneral Assembly of on one, chapter one December session, d the same is here-

e priviso in section ty-three, passed at and forty-two be, said section shall mentioned in said ched to said build-

apprinted true tee,

SEC. 3. And be it enacted, That the said act of Assem- CHAP. 290. bly, to which this is a supplement, shall extend to all work done, or materials furnished, and that in case where a claim or lien is filed by a contractor or builder who is indebted for work done, or materials furnished, at his re-administration and quest or in his accounts, the person or persons to which a equality such contractor or builder is indebted, may, by petition, claim to be paid the amounts due him or them by such contractor or builder, out of the monies to be received from such claim or lein, and the same may and shall be ascertained in such manner and form and by such proceedings as may be equitable and just.

SEC. 4. And be it enacted, That in all cases in which a contractor or builder of a building shall have purchased retain from the whom such purchase has been made or with whom such whom such purchase has been made, or with whom such coutract for work has been made, shall have given notice to the owner of the building of the amount due him, and whether for work done, or materials furnished, it shall and may be lawful for such owner to retain from the cost of such building, the amount which he may ascertain to be due to the party giving such notice, and that in case a lien be laid by the party from whom such purchase has been made, or with whom such contract for work has been made, or by the party giving such notice, and be also laid by the contractor or builder, the said contractor or builder shall receive only the difference between the amount due him, and that due to the person from whom such purchase has been made, or with whom such contract for work has been made, or by the party giving such notice.

SEC. 5. And be it enacted, That no person having a Lien not waiv lien for work done, or materials furnished, shall be con- ed by granting sidered as waiving such lien by granting a credit, or a credit receiving notes or other securities, unless the same be received as payment, or the said lien be expressly waiv- was stated ed, but that the sole effect thereof shall be to prevent the contract issuing of a sciri facias, or other proceedings to enforce the said lien until the expiration of the credit agreed upon; provided, however, that the lien or claim he filed Provisoes. within the time required by law; and provided further, that it does not impair the twelfth section of the act to which this act is a supplement.

SEC. 6. And be it enacted, That section fourth of the act to which this act is a supplement, shall be so con-90 days. strued that no lien given by said act and the supplement thereto, shall take effect and be available, unless the per-

Owner may